

CASE 20-C-247

OHIO

PAGE 0001

COURTNEY FERGUSON

VS. MARKIETH SAUNDERS

LINE DATE ACTION

1	12/01/20	COMPLAINT; MEMO; SUMMONS ID TO MARKIETH SAUNDERS AND MIETE LLC
2		C/O TYRUN HUWA BY CM; RECEIPT
3	12/10/20	R/S CMC ID TO MARKEITH SAUNDERS -SIGNED COVID 19 ON 12/07/
4	12/11/20	R/S CMC ID TO TYRUN HUMA-SIGNED BY JAMES PEAKE ON 12/07/20
5	12/30/20	NOTICE OF BONA FIDE DEFENSE FRO DEFENDANT MARKEITH SAUNDERS;COS

**CERTIFIED
TO BE A TRUE AND EXACT
COPY OF THE ORIGINAL.**

Exhibit A

DEC 1 '20 PM 8:46
OHIO CO CIRCUIT COURT

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

COURTNEY R. FERGUSON &
DAVID SCHRIEBER,

Plaintiffs,

vs.

Civil Action No. 20-C-247

MARKIETH SAUNDERS &
MIETE L.L.C.,

Judge Wilson

Defendants.

COMPLAINT

NOW COME the Plaintiffs, Courtney R. Ferguson and David Schrieber, by and through their counsel, Zavolta Law Office, for their cause of action against the Defendants, Markieth Saunders and Miete L.L.C., state and allege, as follows, to-wit:

GENERAL ALLEGATIONS

1. Plaintiff Courtney Ray Ferguson, (hereinafter referred to as "Plaintiff Ferguson") is an adult individual and resident of 14969 Reedley Street, Moorpark, CA 93021.

2. Plaintiff David Schrieber, (hereinafter referred to as "Plaintiff Schreiber") is the owner of Action Gaming, Inc., and the owner of the 1992 Chevrolet S10 Pickup, VIN 1GCCS14ZXN8223869 and has a business address of 68 18th Street, Wheeling, Ohio County, West Virginia, 26003.

3. Defendant Markieth Saunders is an adult individual with a last known residence address of 4707 Cairnvillage, Houston, Texas 77084.

4. Defendant Miete, L.L.C., (hereinafter referred to as Defendant Miete) is a foreign corporation organized under the laws of the State of Colorado, and to the best of Plaintiff's knowledge and based upon available information and belief operates as an oil and gas service provider / company, providing services in the oil and gas and their related fields to locations throughout the United States, including the State of West Virginia thereby purposefully availing itself to the laws, benefits, privileges and protections of the State of West Virginia.

5. Defendant Miete, L.L.C. utilizes the roadways, interstates and other amenities in the State of West Virginia to perform and operate its oil and gas related work and or jobs, thereby purposefully availing itself to the laws, benefits, privileges and protections of the State of West Virginia.

6. Based upon available information and belief and according to the Colorado Secretary of State's website, Defendant Miete has a principal place of business at 4626 County Road 65, Keenesburg, Colorado, 80643 and a notice of process address of % Tyrun Huwa, 4626 WCR 65, Keenesburg, Colorado, 80643.

7. At all times material and relevant herein, Defendant Miete, L.L.C. had applicable liability insurance coverage in place through Everest Insurance Company, Policy Number EN4CA00257-181.

8. At all times material and relevant herein, Plaintiffs at the time of the accident at issue had applicable liability motor vehicle coverage with Nationwide Insurance Company, Policy Number ACPBA5746154340.

9. Plaintiff Courtney Ferguson was at all times without comparative negligence and or any other wrongful conduct concerning the accident at issue in this litigation.

10. Plaintiff Courtney Ferguson at all times material and relevant herein was within the course and scope of his employment with Action Gaming Inc., and or was a permissive user of the 1992 Chevrolet S10 pick-up truck owned by David Schrieber and or Action Gaming Inc.

11. At all times material and relevant herein, Defendant Markieth Saunders was within the course and scope of his employment with Defendant Miete and or was a permissive user of a 2017 GMC Sierra motor vehicle owned and or operated by Defendant Miete.

COUNT I - LIABILITY AND ZERO COMPARATIVE NEGLIGENCE

12. Plaintiffs hereby incorporate by reference all paragraphs of this Complaint as if fully restated herein.

13. That on or about January 14, 2019, in Wheeling, Ohio County, West Virginia, on a public roadway known as Route 40 / National Road near the Interstate 70 Westbound on-ramp near the Shilling Bridge, Defendant Markieth Saunders carelessly, recklessly, and negligently operated the 2017 GMC Sierra Pickup motor vehicle in such a manner and with such great force as to negligently cause a severe and substantial driver side swipe type collision with the 1992 Chevrolet S10 Pickup operated by Plaintiff Ferguson.

14. Defendant Markieth Saunders was operating said motor vehicle as permissive user and or with the express and or implied permission of owner Defendant Miete L.L.C., and or in the course and scope of his employment with Defendant Miete, thereby causing any and all applicable insurance coverage to apply to this severe and substantial collision.

15. The Defendants, at the time of the motor vehicle accident at issue, were negligent in causing serious injuries, damages, and losses to Plaintiffs as are hereinafter set forth.

16. Defendants, as alleged hereinbefore, were negligent toward Plaintiffs, in one or more of the following areas, among others in the operation of said motor vehicle, including violating the Motor Vehicle Code, safety laws and other laws of the State of West Virginia, including, but not limited to:

- (a) Failure to maintain control of his vehicle;
- (b) Failure to exercise due care generally in the operation of said motor vehicle;
- (c) Operating said motor vehicle in a manner unsuited to the roadway;
- (d) Failing to observe the traffic which was lawfully on the roadway;
- (e) Failing to keep a safe lookout;
- (f) Failing to operate the said motor vehicle in accordance with existing traffic conditions;
- (g) Improper turn;
- (h) Other acts and omissions.

17. As a direct and proximate result of the negligent acts and omissions by Defendants, Plaintiffs were proximately caused to be injured and damaged as hereinafter set forth.

COUNT II - NEGLIGENT ENTRUSTMENT

18. Plaintiffs hereby incorporate by reference all paragraphs of this Complaint as if fully restated herein.

19. Based on the available information and belief Defendant Miete L.L.C. was the owner of the 2017 GMC Sierra Pickup motor vehicle operated by Defendant Markieth Saunders.

20. Defendant Miete L.L.C, based upon the available information and belief and at all times material and relevant, had actual and or constructive notice and knowledge that Defendant Markieth Saunders was unfit to operate the 2017 GMC Sierra Pickup motor vehicle with reasonable safety for other motor vehicle operators upon the roadways of the State of West Virginia, including, but not limited to Plaintiff Courtney Ferguson.

21. Defendant Miete L.L.C. thereby breached duties owed and committed negligence in entrusting the said motor vehicle to Defendant Markieth Saunders.

22. As a direct and proximate result of the negligent, careless and negligent acts and omissions and other violations of the law by Defendants as aforesaid, Plaintiff Ferguson was injured and damaged as hereinbefore set forth.

23. As a direct and proximate result of the negligent acts and/or omissions, and/or other violations of law, by the Defendants as aforesaid, Plaintiffs Ferguson were proximately caused to be injured to the following, but not limited to, areas of his body: in and about his head, neck, back, shoulders, arms, extremities, body chemistry, psyche, muscles, tissues, fascia, and other body parts and injuries, both internally and externally, and inasmuch as all or part of his injuries are permanent and lasting in nature, he has and will in the future suffer great pain of body and mind.

24. As a further direct and proximate result of the Defendants negligent acts and or other violations of law, Plaintiff Ferguson was proximately caused to incur divers

and sundry expenses for medical care and treatment to date in an amount undetermined, and inasmuch as all or part of Plaintiff Ferguson's injuries are permanent and lasting in nature, he has and will in the future suffer divers and sundry expenses for medical care and attention in an effort to treat, manage and/or effect a cure for his injuries and causally related symptomatology; Plaintiff Ferguson has suffered a diminution in his ability and capacity to care for himself and enjoy a normal life; Plaintiff Ferguson is anticipated to sustain future loss of earning capacity; and all of which will continue into the future.

24. As a further direct and proximate result of the negligent acts and/or omission, and/or other violations of the law by the Defendants, Plaintiff Ferguson has been prevented from carrying out the duties and responsibilities of his life; Plaintiff Ferguson has been prevented from leading his life socially and recreationally as he had prior to this accident; Plaintiff Ferguson's permanent injuries have adversely affected his ability to enjoy the ordinary functions of life, together with the capability to function as a whole person; and all of which will continue into the future.

COUNT V - PROPERTY DAMAGE

25. Plaintiffs hereby incorporate by reference all paragraphs of this Complaint as if fully restated herein.

26. As a further direct and proximate result of carelessness, negligence, and violations of the law by Defendants as aforesaid, Plaintiff David Schrieber was caused and continues to suffer property damage losses, including but not limited to the following, but not limited to: Loss of Use, Annoyance, Inconvenience, Aggravation, costs, and expenses.

WHEREFORE, Plaintiff Courtmey Ferguson and Plaintiff David Schrieber demand judgment against Defendants Markieth Saunders and Miete L.L.C. in an amount in excess of the minimum jurisdictional limits as compensatory damages, plus pre and post-judgment interest and costs and such further relief as a court or jury may find; and Plaintiffs further demand interest and costs incurred in and about the prosecution of this action and for such other relief as a court or jury may find. The minimum jurisdictional amount for filing this action has been satisfied.

PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES.

Respectfully submitted,

Plaintiffs, et. al.

By: 

Plaintiffs' Counsel

Ronald W. Zavolta (W.Va. State Bar ID #8739)

Paul J. Ratcliffe (W.Va. State Bar ID #13453)

Michael P. Zavolta (W.VA. State Bar ID #13871)

ZAVOLTA LAW OFFICE

1287 Fairmont Pike Road

Wheeling, WV 26003

Telephone: (304) 905-8073

Facsimile: (304) 905-8992

Email: Paul@Zavoltalaw.net

DEC 1 '20 PM 3:46
OHIO CO CIRCUIT COURT**CIVIL CASE INFORMATION STATEMENT
CIVIL CASES****In the Circuit Court of Ohio County, West Virginia****I. CASE STYLED: Courtney Ferguson and David Schrieber v. Markieth Saunders & Miete, LLC****Plaintiffs:**Civil Action No. 20-C-247Judge: W. Ison**Courtney Ferguson**
14969 Reedley Street
Moorpark, CA 93021**David Schrieber**
68 18th Street
Wheeling, WV 26003

vs.

Defendants:**Days to Answer****Type of Service****Markieth Saunders**
4707 Cairnvillage
Houston, TX 77084**20****Certified Mail****Miete, LLC**
c/o Tyrun Huwa
4626 WCR 65
Keenesburg, CO 80643**20****Certified Mail**Original and 3 copies of the Complaint are furnished herein.

PLAINTIFFS: Courtney Ferguson and David Schrieber DEFENDANTS: Markieth Saunders and Miete, LLC	Civil Action Number:
---	----------------------

II. TYPE OF CASE:

<input checked="" type="checkbox"/> General Civil	<input type="checkbox"/> Adoption	<input type="checkbox"/> Malpractice
<input type="checkbox"/> Mass Litigation (as	<input type="checkbox"/> Administrative Agency	<input checked="" type="checkbox"/> Personal Injury

defined in TCR Rule XIX(c))	Appeal	
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Civil Appeal from Magistrate Court	<input type="checkbox"/> Product Liability
<input type="checkbox"/> Carpal Tunnel Syndrome	<input type="checkbox"/> Miscellaneous Civil	<input checked="" type="checkbox"/> Auto
<input type="checkbox"/> Silicone Implants	<input type="checkbox"/> Mental Hygiene	<input type="checkbox"/> Contract
<input type="checkbox"/> Industrial Hearing Loss	<input type="checkbox"/> Guardianship	<input type="checkbox"/> Real Property
<input type="checkbox"/> Diet Drugs	<input type="checkbox"/> Modification/Magistrate Rules	<input type="checkbox"/> Habeas Corpus/Other Extraordinary Writ
<input type="checkbox"/> Note/Payments of Debt	<input type="checkbox"/> Commercial Credit	<input type="checkbox"/> Other - Insurance/Unfair Claims Settlement Practices

III. JURY DEMAND: ☒ Yes ☐ No

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): unknown

IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY? ☐ Yes ☒ No

If yes, please specify:

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ reader or other auxiliary aid for the visually impaired
- ☐ spokesperson or other auxiliary aid for the speech impaired
- ☐ Other:

Attorney: Ronald W. Zavolta (WV No. 8739)
 Paul J. Ratcliffe (WV No. 13453)
 Michael P. Zavolta (WV No. 13871)

Firm: **Zavolta Law Offices**

Address: 1287 Fairmont Pike Road, Wheeling, WV 26003

Telephone: (304) 905-8073

Dated: December 1, 2020

Signature: 

Representing:

- ☒ Plaintiffs
- ☐ Defendants
- ☐ Cross-Complainant
- ☐ Cross-Defendant
- ☐ Proceeding without an attorney

SUMMONS

CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

**COURTNEY FERGUSON and
DAVID SCHRIEBER**

PLAINTIFF,

VS.

CIVIL ACTION NO. 20-C-247

JUDGE: RONALD E. WILSON

**MARKIETH SAUNDERS and
MIETE, LLC**

DEFENDANT.

To the above named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon RONALD W. ZAVOLTA, plaintiff's attorney, whose address is ZAVOLTA LAW OFFICES, 1287 FAIRMONT PIKE ROAD, WHEELING, WV, 26003 an answer including any related counterclaim you may have to the complaint filed against you in the above civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above style civil action.

BRENDA L MILLER

CLERK OF COURT

Dated: December 01, 2020

Please Serve:

**MARKIETH SAUNDERS
4707 CAIRNVILLAGE
HOUSTON, TX 77084**

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SUMMONS

CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

COURTNEY FERGUSON
PLAINTIFF,

VS.

CIVIL ACTION NO. 20-C-247
JUDGE: RONALD E. WILSON

MARKIETH SAUNDERS and
MIETE, LLC
DEFENDANT.

To the above named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon RONALD W. ZAVOLTA, plaintiff's attorney, whose address is ZAVOLTA LAW OFFICES, 1287 FAIRMONT PIKE ROAD, WHEELING, WV, 26003 an answer including any related counterclaim you may have to the complaint filed against you in the above civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above style civil action.

BRENDA L MILLER
CLERK OF COURT

Dated: December 01, 2020

Please Serve:
MIETE LLC
c/o TYRUN HUWA
4626 WCR 65
KEENESBURG, CO 80643

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P. 1

* * * Communication Result Report (Dec. 1. 2020 3:51PM) * * *

1} Circuit Clerk Fax 3042320550
2}

Date/Time: Dec. 1. 2020 3:50PM

File No.	Mode	Destination	Pg (s)	Result	Page Not Sent
8212	Memory TX	Judge Wilson	P. 2	OK	

Reason for error
 E. 1) Hang up or line fail
 E. 3) No answer
 E. 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection
 E. 6) Destination does not support IP-Fax

6/20/2020 3:51 PM

CIVIL CASE INFORMATION STATEMENT CIVIL CASES

In the Circuit Court of Ohio County, West Virginia

I. CASE STYLE: Courtney Ferguson and David Schrieber v. Markleth Saunders & Mlete, LLC

Plaintiffs:

Civil Action No. 20-C-247Judge: W. Wilson

Courtney Ferguson
 14669 Reedley Street
 Moorpark, CA 93021

David Schrieber
 68 16th Street
 Wheeling, WV 26003

vs.

Defendants:

Days to Answer

Type of Service

Markleth Saunders
 4707 Cairnville
 Houston, TX 77084

20

Certified Mail

Mlete, LLC
 c/o Tyrus Huva
 4628 WCR 66
 Keenesburg, CO 80643

20

Certified Mail

Original and 3 copies of the Complaint are furnished herein.

PLAINTIFFS: Courtney Ferguson and David Schrieber DEFENDANTS: Markleth Saunders and Mlete, LLC	Civil Action Number:
---	----------------------

II. TYPE OF CASE:

<input checked="" type="checkbox"/> General Civil	<input type="checkbox"/> Adoption	<input type="checkbox"/> Malpractice
<input type="checkbox"/> Mass Litigation (as	<input type="checkbox"/> Administrative Agency	<input checked="" type="checkbox"/> Personal Injury

OFFICE OF THE CIRCUIT CLERK

RECEIPT #: 100369

OHIO
1500 CHAPLINE ST.
WHEELING

DATE RECEIVED: 12/01/2020

RECEIVED FROM: ZAVOLTA LAW

TOTAL: \$270.00

STYLE OF CASE
COURTNEY FERGUSON
VS.
MARKIETH SAUNDERS

CASE #: 20-C-247

IN PAYMENT OF FILING/MULTI DEF/CM
BY Check 5526BRENDA L MILLER
CLERK OF THE CIRCUIT COURTBY BH

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total Postage and Fees \$

Sent To Markieth Saunders
Street and Apt. No., or PO Box No. 4207 Caronville
City, State, ZIP+4® Houston, TX 77084

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

7019 2280 0000 5196 4493

sent out
Postmark
Here
12/2/20

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE

Certified Mail Fee \$
Extra Services & Fees (check box, add fee as appropriate)
☐ Return Receipt (hardcopy) \$
☐ Return Receipt (electronic) \$
☐ Certified Mail Restricted Delivery \$
☐ Adult Signature Required \$
☐ Adult Signature Restricted Delivery \$
Postage \$
Total Postage and Fees \$

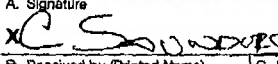

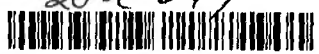
Sent To Miete LLC c/o Tyrus Hundt
Street and Apt. No., or PO Box No. 4626 WSL 65
City, State, ZIP+4® Kennesburg, CO 80643

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for instructions

7019 2280 0000 5196 4486

sent out
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12/2/20

PLACE TO KEEP AT TOP OF ENVELOPE TO BE OPENED TO THE RIGHT

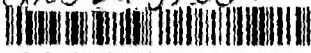
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ Complete Items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature </p> <p>B. Received by (Printed Name) </p> <p>C. Date of Delivery 12-12-19</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>1. Article Addressed to: Markeith Saunders 4707 Cairnvillage Houston, TX 77084 20-C-247</p>  <p>9590 9402 6064 0125 0619 60</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>2. Article Number (Transfer from service label) 7019 2280 0000 5196 4493</p>																	

PS Form 3811, July 2015 PSN 7630-02-000-9053

Domestic Return Receipt

3

20-C-247

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits. <i>20-C-247</i></p> <p>1. Article Addressed to:</p> <p><i>Miete LLC</i> <i>c/o Tyrone Huwa</i> <i>4626 WCR 65</i> <i>Keenesburg, CO 80643</i></p>  <p>9590 9402 8064 0125 0619 53</p> <p>2. Article Number (Transfer from service label)</p> <p>7019 2280 0000 5196 4486</p>		<p>A. Signature <i>James Peake</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>James Peake</i> C. Date of Delivery <i>12-7-20</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p> <p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																			

PS Form 3811, July 2015 PSN 7530-02-000-9055 Domestic Return Receipt

4

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

**COURTNEY R. FERGUSON &
DAVID SCHREIBER,**

Plaintiffs,

v.

**CIVIL ACTION NO. 20-C-247
Judge Ronald E. Wilson**

**MARKEITH SAUNDERS &
MIETE L.L.C.,**

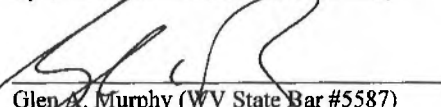
Defendants.

NOTICE OF BONA FIDE DEFENSE FOR DEFENDANT MARKEITH SAUNDERS

Pursuant to the provisions of Rule 12(a) of the West Virginia Rules of Civil Procedure, Defendant Markeith Saunders hereby notifies Plaintiffs that Defendant has a bona fide defense to the claims asserted in this action, all of which will be more particularly set forth in his answer or other responsive pleadings.

MARKEITH SAUNDERS

By SPILMAN THOMAS & BATTLE, PLLC



Glen A. Murphy (WV State Bar #5587)
James S. Simon (WV State Bar #13265)
300 Kanawha Boulevard, East (Zip 25301)
P.O. Box 273
Charleston, WV 25321-0273
304-340-3800

12/28/2020 1:44
CIRCUIT COURT

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

**COURTNEY R. FERGUSON &
DAVID SCHREIBER,**

Plaintiffs,

v.

**CIVIL ACTION NO. 20-C-247
Judge Ronald E. Wilson**

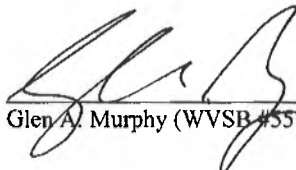
**MARKEITH SAUNDERS &
MIETE L.L.C.,**

Defendants.

CERTIFICATE OF SERVICE

I, Glen A. Murphy, hereby certify that service of the foregoing **Notice of Bona Fide Defense for Defendant Markeith Saunders** has been made upon the following by placing a true copy thereof in an envelope deposited in the regular course of the United States Mail, with postage prepaid, on this 28th day of December, 2020, addressed as follows:

Ronald W. Zavolta, Esq. (WV State Bar #8739)
Paul J. Ratcliffe, Esq. (WV State Bar #13453)
Michael P. Zavolta, Esq. (WV State Bar #13871)
ZAVOLTA LAW OFFICE
1287 Fairmont Pike Road
Wheeling, WV 26003
Counsel for Plaintiffs


Glen A. Murphy (WVSB #5587)



304.340.3840
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December 28, 2020

Brenda L. Miller
Clerk of the Circuit Court
Ohio County Courthouse
1500 Chapline Street
Wheeling, WV 26003

**Re: Courtney R. Ferguson & David Schreiber v. Markeith Saunders &
Miete L.L.C.
Civil Action No: 20-C-247
Ohio County, WV**

Dear Clerk:

Enclosed for filing in the above-referenced civil action is the "Notice of Bona Fide Defense for Defendant Markeith Saunders." Counsel of record has been served with a copy.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to be "GAM", written over the printed name "Glen A. Murphy".

Glen A. Murphy

GAM/sdw2

Enclosure

cc: Ronald W. Zavolta, Esq.
Paul J. Ratcliffe, Esq.
Michael P. Zavolta, Esq.

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